

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FP200042	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP00/04902	International filing date (day/month/year) 21 July 2000 (21.07.00)	Priority date (day/month/year) 22 July 1999 (22.07.99)
International Patent Classification (IPC) or national classification and IPC C07H 19/167, 19/067 // A61K 31/7125, A61P 31/18		
Applicant SANKYO COMPANY, LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 July 2000 (21.07.00)	Date of completion of this report 28 February 2001 (28.02.2001)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/04902

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☒ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 00/04902

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

### 2. Citations and explanations

None of the documents cited in the international search report deprives the invention disclosed in Claims 1 to 13 of novelty or inventive step.

The invention disclosed in Claims 1 to 13 is industrially applicable.

## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF RECEIPT OF  
RECORD COPY

(PCT Rule 24.2(a))

From the INTERNATIONAL BUREAU

To:

OHNO, Akio  
Sankyo Company, Limited  
2-58, Hiromachi 1-chome  
Shinagawa-ku, Tokyo 140-8710  
JAPON



MK

Date of mailing (day/month/year) 30 August 2000 (30.08.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference FP200042	International application No. PCT/JP00/04902

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

SANKYO COMPANY, LIMITED (for all designated States except US)  
IMANISHI, Takeshi et al (for US)



International filing date : 21 July 2000 (21.07.00)  
Priority date(s) claimed : 22 July 1999 (22.07.99)  
Date of receipt of the record copy  
by the International Bureau : 04 August 2000 (04.08.00)  
List of designated Offices :

EP : AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE  
National : AU, BR, CA, CN, CZ, HU, ID, IL, IN, KR, MX, NO, NZ, PL, RU, TR, US, ZA

## ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- ☒ time limits for entry into the national phase  
☒ confirmation of precautionary designations  
☒ requirements regarding priority documents

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer:

Masashi HONDA

Telephone No. (41-22) 338.83.38

**INFORMATION ON TIME LIMITS FOR ENTERING THE NATIONAL PHASE**

The applicant is reminded that the "national phase" must be entered before each of the designated Offices indicated in the Notification of Receipt of Record Copy (Form PCT/IB/301) by paying national fees and furnishing translations, as prescribed by the applicable national laws.

The time limit for performing these procedural acts is **20 MONTHS** from the priority date or, for those designated States which the applicant elects in a demand for international preliminary examination or in a later election, **30 MONTHS** from the priority date, provided that the election is made before the expiration of 19 months from the priority date. Some designated (or elected) Offices have fixed time limits which expire even later than 20 or 30 months from the priority date. In other Offices an extension of time or grace period, in some cases upon payment of an additional fee, is available.

In addition to these procedural acts, the applicant may also have to comply with other special requirements applicable in certain Offices. **It is the applicant's responsibility** to ensure that the necessary steps to enter the national phase are taken in a timely fashion. Most designated Offices do not issue reminders to applicants in connection with the entry into the national phase.

For detailed information about the procedural acts to be performed to enter the national phase before each designated Office, the applicable time limits and possible extensions of time or grace periods, and any other requirements, see the relevant Chapters of Volume II of the PCT Applicant's Guide. Information about the requirements for filing a demand for international preliminary examination is set out in Chapter IX of Volume I of the PCT Applicant's Guide.

GR and ES became bound by PCT Chapter II on 7 September 1996 and 6 September 1997, respectively, and may, therefore, be elected in a demand or a later election filed on or after 7 September 1996 and 6 September 1997, respectively, regardless of the filing date of the international application. (See second paragraph above.)

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

**CONFIRMATION OF PRECAUTIONARY DESIGNATIONS**

This notification lists only specific designations made under Rule 4.9(a) in the request. It is important to check that these designations are correct. Errors in designations can be corrected where precautionary designations have been made under Rule 4.9(b). The applicant is hereby reminded that any precautionary designations may be confirmed according to Rule 4.9(c) before the expiration of 15 months from the priority date. If it is not confirmed, it will automatically be regarded as withdrawn by the applicant. There will be no reminder and no invitation. Confirmation of a designation consists of the filing of a notice specifying the designated State concerned (with an indication of the kind of protection or treatment desired) and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.

**REQUIREMENTS REGARDING PRIORITY DOCUMENTS**

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before that date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity to furnish the priority document within a time limit which is reasonable under the circumstances.

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit is the filing date of the earliest application whose priority is claimed.

# PATENT COOPERATION TREATY



PCT

## NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

OHNO, Akio  
Sankyo Company, Limited  
2-58, Hiromachi 1-chome  
Shinagawa-ku, Tokyo 140-8710  
JAPON



MR

Date of mailing (day/month/year) 01 February 2001 (01.02.01)		IMPORTANT NOTICE	
Applicant's or agent's file reference FP200042			
International application No. PCT/JP00/04902	International filing date (day/month/year) 21 July 2000 (21.07.00)	Priority date (day/month/year) 22 July 1999 (22.07.99)	
Applicant SANKYO COMPANY, LIMITED et al			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:  
**AU, KR, US**

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:  
**BR, CA, CN, CZ, EP, HU, ID, IL, IN, MX, NO, NZ, PL, RU, TR, ZA**

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on  
01 February 2001 (01.02.01) under No. WO 01/07455

### REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

### REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. (41-22) 740.14.35</p>	<p>Authorized officer  J. Zahra</p> <p>Telephone No. (41-22) 338.83.38</p>	
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特許協力条約に基づく国際出願  
国際予備審査請求書

第 II 章

出願人は、次の国際出願が特許協力条約に従って国際予備審査の対象とされることを請求し、  
選択資格のある全ての国を選択する。ただし、特段の表示がある場合を除く。



国際予備審査機関記入欄

国際予備審査機関の確認

請求書の受理の日

第 I 欄 国際出願の表示

出願人又は代理人の書類記号 FP200042

国際出願番号

国際出願日 (日. 月. 年)

優先日 (最先のもの) (日. 月. 年)  
22.07.99

発明の名称

新規ビシクロヌクレオシド類縁体

第 II 欄 出願人

氏名 (名称) 及びあて名: (姓・名の順に記載; 法人は公式の完全な名称を記載; あて名は郵便番号及び国名も記載)

三共株式会社

SANKYO COMPANY, LIMITED

〒103-8426

日本国東京都中央区日本橋本町 3 丁目 5 番 1 号

5-1, Nihonbashi Honcho 3-chome, Chuo-ku, Tokyo 103-8426, Japan.

電話番号:

ファクシミリ番号:

加入電話番号:

国籍 (国名): 日本国 Japan

住所 (国名): 日本国 Japan

氏名 (名称) 及びあて名: (姓・名の順に記載; 法人は公式の完全な名称を記載; あて名は郵便番号及び国名も記載)

今西 武

IMANISHI, Takeshi

〒631-0045 日本国奈良県奈良市千代ヶ丘 2 丁目 2 番 18 号

2-18, Chiyogaoka 2-chome, Nara-shi, Nara 631-0045, Japan

国籍 (国名): 日本国 Japan

住所 (国名): 日本国 Japan

氏名 (名称) 及びあて名: (姓・名の順に記載; 法人は公式の完全な名称を記載; あて名は郵便番号及び国名も記載)

小比賀 聡

KOHIGA, Satoshi

〒569-1022 日本国大阪府高槻市日吉台 4 丁目 2034

2034, Hiyoshidai 4-chome, Takatsuki-shi, Osaka 569-1022, Japan

国籍 (国名): 日本国 Japan

住所 (国名): 日本国 Japan

☐ その他の出願人が税関に記載されている。

## 第III欄 代理人又は共通の代表者、通知のあて名

下記に記載された者は、☒ 代理人 又は ☐ 共通の代表者 として

☐ 既に選任された者であって、国際予備審査についても出願人を代理する者である。

☐ 今回新たに選任された者である。先に選任されていた代理人又は共通の代表者は解任された。

☐ 既に選任された代理人又は共通の代表者に加えて、特に国際予備審査機関に対する手続きのために、今回新たに選任された者である。

氏名(名称)及びあて名:(姓・名の順に記載;法人は公式の完全な名称を記載;あて名は郵便番号及び国名も記載)

8140 弁理士 大野 彰夫 OHNO, Akio

〒140-8710 日本国東京都品川区広町1丁目2番58号  
三共株式会社内

c/o SANKYO COMPANY, LIMITED

2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo 140-8710, Japan

電話番号:

03-5436-8553

ファクシミリ番号:

03-5436-8583

加入電話番号:

☐ 通知のためのあて名: 代理人又は共通の代表者が選任されておらず、上記枠内に特に通知が送付されるあて名を記載している場合は、レ印を付す。

## 第IV欄 国際予備審査に対する基本事項

補正に関する記述: \*

1. 出願人は、次のものを基礎として国際予備審査を開始することを希望する。

☒ 出願時の国際出願を基礎とすること。

☐ 明細書に関して ☐ 出願時のものを基礎とすること。

☐ 特許協力条約第34条の規定に基づいてなされた補正を基礎とすること。

☐ 請求の範囲に関して ☐ 出願時のものを基礎とすること。

☐ 特許協力条約第19条の規定に基づいてなされた補正(添付した説明書も含む)を基礎とすること。

☐ 特許協力条約第34条の規定に基づいてなされた補正を基礎とすること。

☐ 図面に関して ☐ 出願時のものを基礎とすること。

☐ 特許協力条約第34条の規定に基づいてなされた補正を基礎とすること。

2. ☐ 出願人は、特許協力条約第19条の規定に基づく請求の範囲について行った補正を無視し、かつ、取り消されたものとみなして開始することを希望する。

3. ☐ 出願人は、国際予備審査の開始が優先日から20月経過後まで延期されることを希望する(ただし、国際予備審査機関が、特許協力条約第19条の規定に基づき行われた補正書の写しの受領、又は当該補正を希望しない旨の出願人からの通知を受領した場合を除く(規則69.1(d))。この口は、特許協力条約第19条の規定に基づく期間が満了していない場合にのみ、レ印を付すことができる。)

\* 記入がない場合は、1) 補正がないか又は国際予備審査機関が補正(原本又は写し)を受領していないときは、出願時の国際出願を基礎に予備審査が開始され、2) 国際予備審査機関が、見解書又は予備審査報告書の作成開始前に補正(原本又は写し)を受領したときは、これらの補正を考慮して予備審査が開始又は続行される。

国際予備審査を行うための言語は、日本語であり、

☒ 国際出願の提出時の言語である。

☐ 国際調査のために提出した翻訳文の言語である。

☐ 国際出願の公開の言語である。

☐ 国際予備審査の目的のために提出した翻訳文の言語である。

## 第V欄 国の選択

出願人は、選択資格のある全ての指定国(即ち、既に出願人によって指定されており、かつ特許協力条約第II章に拘束されている国)を選択する。

ただし、出願人は次の国の選択を希望しない。:



## 第VI欄 照合欄

この国際予備審査請求書には、国際予備審査のために、第IVに記載する書類による書類が添付されている。

## 国際予備審査機関記入欄

受 領 未 受 領

1. 国際出願の翻訳文 . . . . . 枚
2. 特許協力条約第34条の規定に基づく補正書 . . . . . 枚
3. 特許協力条約第19条の規定に基づく補正書  
(又は、要求された適合性翻訳文)の写し . . . . . 枚
4. 特許協力条約第19条の規定に基づく説明書  
(又は、要求された適合性翻訳文)の写し . . . . . 枚
5. 書簡 . . . . . 枚
6. その他 (書類名を具体的に記載する) : . . . . . 枚

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

この国際予備審査請求書には、さらに下記の書類が添付されている。

1. ☒ 手数料計算用紙
2. ☐ 別個の記名押印された委任状
3. ☐ 包括委任状の写し
4. ☐ 記名押印 (署名) に関する説明書
5. ☐ スクレイプド又はアミシノ酸配列表  
(フレキシブルディスク)
6. ☐ その他 (書類名を具体的に記載する) :

## 第VII欄 提出者の記名押印

各人の氏名 (名称) を記載し、その次に押印する。

大 野 彰 夫



## 国際予備審査機関記入欄

1. 国際予備審査請求書の実際の受理の日

2. 規則 60.1 (b) の規定による国際予備審査請求書の受理の日の訂正後の日付

3. ☐ 優先日から19月を経過後の国際予備審査請求書の受理。ただし、以下の4、5の項目にはあてはまらない。 ☐ 出願人に通知した。4. ☐ 規則 80.5 により延長が認められている優先日から19月の期間内の国際予備審査請求書の受理5. ☐ 優先日から19月を経過後の国際予備審査請求書の受理であるが規則82により認められる。

## 国際事務局記入欄

国際予備審査請求書の国際予備審査機関からの受領の日: